IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

-

WRIT APPEAL NO : 1852 of 2003

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07/01/2003 in W.P.No.21650 of 1994 on the file of the High Court.)

Between:

Depot Manager, A.P.S.R.T.C., Bus Depot,
Mushirabad, Hyderabad.

..... APPELLANT

AND

1 Labour Court-I, Rep. by Presiding Officer,
Andhra Pradesh, Hyderabad.
2 P. Raghu S/o Sayanna
C/o V.N. Goud, Advocate, 7-2-126, Ashok Colony,
Sanathnagar, Hyderabad-18.

.....RESPONDENTS

Counsel for the Appellant: MR.V.T.M.PRASAD (S.C.FOR APSRTC)

Counsel for the Respondent No1. : MR.V.NARASIMHA GOUD GP FOR LABOUR

Counsel for the Respondent No.2 :

The Court made the following :

JUDGMENT: (Per the Hon'ble Sri Justice J. Chelameswar)

Aggrieved by the order dated 07-01-2003 passed in Writ Petition No.21650 of 1994 by the learned Single Judge, dismissing the writ petition, the writ petitioner filed the present appeal.

The 2nd respondent herein is an employee of the appellant-Corporation working as a driver was suspended from service on 04-01-1990 and a charge sheet was issued to him alleging that he had committed misconduct, viz., that he abetted one N. Basavaiah to secure a bogus driving licence for the purpose of securing employment in the appellant-Corporation. It is further alleged that the 2nd respondent collected an amount of Rs.600/- from the said N. Basavaiah in the process of providing him with a bogus driving licence. The 2nd respondent denied the charge. A domestic enquiry was conducted. The Enquiry Officer found that the 2nd respondent guilty of the charge and eventually, the 2nd respondent was removed from service by an order dated 21-06-1990 passed by the appellant herein. Aggrieved by the same, the 2nd respondent raised an Industrial Dispute in I.D.No.348 of 1993 on the file of the Labour Court-I, Hyderabad. By award dated 12-03-1994, the Labour Court set aside the order of removal and directed the appellant-Corporation to reinstate the 2nd respondent into service with full back wages and all other attendant benefits with continuity of service. Challenging the said award, the above mentioned writ petition was filed.

The learned single Judge, by the order under appeal dismissed the writ petition in view of the finding of fact recorded by the Labour Court to the effect that the Management did not adduce any evidence before the Enquiry Officer. It appears neither the above mentioned N. Basavaiah, who is said to have secured a bogus driving licence by paying Rs.600/- to the 2nd respondent herein nor the Officer who recorded the statement of the said N. Basavaiah were examined by the Management at the time of the enquiry. Insofar as the above mentioned N. Basavaiah is concerned, it is the case of the Management that he is not an employee of the Corporation and therefore they could not secure his presence and

he did not respond to the notices issued by the Enquiry Officer. However, admittedly the Officer who recorded the statement of the said N. Basavaiah on 04-10-1989 is an employee of the Corporation and no explanation was offered as to why the Officer who recorded the statement of the said N. Basavaiah could not be examined.

In the circumstances, we do not see any reason to interfere with the order under appeal and the appeal is, therefore, dismissed. No order as to costs.

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J. CHELAMESWAR, J.

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GHULAM MOHAMMED, J.

Dated: 22nd March, 2005

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Copy to:

1. The Presiding Officer, Labour Court-I,Andhra Pradesh, Hyderabad.
2. Two C.Cs to the Governemnt Pleader for labour, High Court Buildings, High Court of A.P., Hyderabad. (O.U.T.)

3. Two C.D.Copies.